

# SENATE MOTION

**MR. PRESIDENT:**

**I move** that Engrossed House Bill 1481 be amended to read as follows:

- 1       Page 1, between the enacting clause and line 1, begin a new  
2       paragraph and insert:  
3       "SECTION 1. IC 22-2-5-2 IS AMENDED TO READ AS  
4       FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 2. **(a) Except as**  
5       **provided in subsection (b),** every such person, firm, corporation,  
6       limited liability company, or association who shall fail to make  
7       payment of wages to any such employee as provided in section 1 of this  
8       chapter shall ~~as liquidated damages for such failure;~~ pay to such  
9       employee for each day that the amount due to ~~him~~ **the employee**  
10      remains unpaid ten percent (10%) of the amount due to him in addition  
11      thereto. ~~not exceeding double the amount of wages due; and said~~  
12      ~~damages~~  
13      **(b) Upon termination of an employment relationship, the**  
14      **employer shall pay to the employee the unpaid wages minus any**  
15      **amount deducted for amounts applied as due to the employer from**  
16      **the employee, for a purpose related to the employment, as itemized**  
17      **by the employer with the amount due in a written notice**  
18      **accompanying the unpaid wages.**  
19      **(c) If the employer fails to provide the written notice in**  
20      **conjunction with the unpaid wages, the employee may recover the**  
21      **amount in disagreement in an action brought under subsection (d).**  
22      **(d) The wages, including any amount in disagreement under**  
23      **subsection (b), may be recovered in any court having jurisdiction of a**  
24      **suit to recover the amount due to such employee, and in any suit so**  
25      **brought to recover said wages or the liquidated damages for**  
26      **nonpayment thereof; or both, the court shall tax and assess as costs in**  
27      **said case a along with reasonable fee for the plaintiff's attorney or**  
28      ~~attorneys; attorney's fees.~~  
29      **(e) This section does not preclude the employer or employee**  
30      **from recovering other damages to which either is entitled.**  
31      SECTION 2. IC 22-2-5-3 IS AMENDED TO READ AS FOLLOWS  
32      [EFFECTIVE JULY 1, 2003]: Sec. 3. **Employees who are classified**

1 **as exempt under the Fair Labor Standards Act (29 U.S.C. 201**  
2 **et.seq.),** farmers, and those engaged in the business of agriculture and  
3 horticulture shall be specifically exempt from the provisions of this  
4 chapter.

5 SECTION 3. IC 22-2-6-2, AS AMENDED BY P.L.83-2001,  
6 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
7 JULY 1, 2003]: Sec. 2. (a) Any assignment of the wages of an  
8 employee is valid only if all of the following conditions are satisfied:

9 (1) The assignment is:

10 (A) in writing;

11 (B) signed by the employee personally;

12 (C) by its terms revocable at any time by the employee upon  
13 written notice to the employer; and

14 (D) agreed to in writing by the employer.

15 (2) An executed copy of the assignment is delivered to the  
16 employer within ten (10) days after its execution.

17 (3) The assignment is made for a purpose described in subsection  
18 (b).

19 (b) A wage assignment under this section may be made for the  
20 purpose of paying any of the following:

21 (1) Premium on a policy of insurance obtained for the employee  
22 by the employer.

23 (2) Pledge or contribution of the employee to a charitable or  
24 nonprofit organization.

25 (3) Purchase price of bonds or securities, issued or guaranteed by  
26 the United States.

27 (4) Purchase price of shares of stock, or fractional interests  
28 therein, of the employing company, or of a company owning the  
29 majority of the issued and outstanding stock of the employing  
30 company, whether purchased from such company, in the open  
31 market or otherwise. However, if such shares are to be purchased  
32 on installments pursuant to a written purchase agreement, the  
33 employee has the right under the purchase agreement at any time  
34 before completing purchase of such shares to cancel said  
35 agreement and to have repaid promptly the amount of all  
36 installment payments which theretofore have been made.

37 (5) Dues to become owing by the employee to a labor  
38 organization of which the employee is a member.

39 (6) Purchase price of merchandise sold by the employer to the  
40 employee, at the written request of the employee.

41 (7) Amount of a loan made to the employee by the employer and  
42 evidenced by a written instrument executed by the employee  
43 subject to the amount limits set forth in section 4(c) of this  
44 chapter.

45 (8) Contributions, assessments, or dues of the employee to a  
46 hospital service or a surgical or medical expense plan or to an  
47 employees' association, trust, or plan existing for the purpose of  
48 paying pensions or other benefits to said employee or to others  
49 designated by the employee.

50 (9) Payment to any credit union, nonprofit organizations, or  
51 associations of employees of such employer organized under any

law of this state or of the United States.

(10) Payment to any person or organization regulated under the Uniform Consumer Credit Code (IC 24-4.5) for deposit or credit to the employee's account by electronic transfer or as otherwise designated by the employee.

(11) Premiums on policies of insurance and annuities purchased by the employee on the employee's life.

(12) The purchase price of shares or fractional interest in shares in one (1) or more mutual funds.

(13) A judgment owed by the employee if the payment:

(A) is made in accordance with an agreement between the employee and the creditor; and

(B) is not a garnishment under IC 34-25-3.

**(14) Payment for the purchase or maintenance of uniforms worn by the employee while performing duties for the employer.**

**(15) Payment for the purchase or rental of tools and equipment used by the employee while performing duties for the employer.**

**(16) Payment or repayment of the employee's tuition for:**

**(A) a postsecondary educational institution;**

**(B) an apprenticeship training program; or**

**(C) an educational training program approved by the employer."**

Page 2, between lines 6 and 7, begin a new paragraph and insert:

"SECTION 5. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2003]: IC 22-2-4-1; IC 22-2-4-2; IC 22-2-4-4; IC 22-2-4-6."

Renumber all SECTIONS consecutively.

(Reference is to EHB 1481 as printed April 4, 2003.)

---

Senator YOUNG R MICHAEL